

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

1:09CR57

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRYAN KEITH NOEL,

Defendant.

**CONSENT ORDER AND
JUDGMENT OF FORFEITURE**

BASED UPON the verdict/s of guilt, and finding that there is a substantial nexus between the property listed below and the offense/s of which the defendant has been found guilty and that the defendant has or had a legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 981 and 982, 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c):

\$286,783.57 in Wachovia Account 2000026505189, such account held in the name of Pinnacle Fiduciary & Trust Group;

\$292,362.50 in Ameritrade Account 706059117, such account held in the name of Pinnacle Fiduciary & Trust Group;

\$407,470.32 in Tradestation Account 17243339, such account held in the name of Pinnacle Fiduciary & Trust Group;

\$3,106.21 in Tradestation Account 17241607, such account held in the name of Pinnacle Fiduciary & Trust Group;

\$37.21 in Tradestation Account 17240487, such account held in the name of Pinnacle Fiduciary & Trust Group;

\$1,290.39 in Tradestation Account 17242607, such account held in the name of Pinnacle Fiduciary & Trust Group FBO International Mineral Exchange;

\$2,948.00 in Fidelity Account Z44043583, such account held in the name of Pinnacle Fiduciary & Trust Group; and

\$3,632.00 in Fidelity Account Z44671681, such account held in the name of Pinnacle Fiduciary & Trust Group; and

The sum of \$10,683,556.33 in proceeds of the offense/s of which defendant has been found guilty.

2. The United States Marshal and/or other property custodian for the investigative agency is authorized to take possession and maintain custody of the above specifically identified property;

3. The United States shall, to the extent practicable, provide direct written notice to any persons known to have alleged an interest in the specifically identified property, and shall publish notice of this forfeiture as required by law;

4. Any person, other than the defendant, asserting any legal interest in the specifically identified property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest;

5. Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law. To the extent that this consent order constitutes a \$10,683,556.33 forfeiture money judgment, this order is a final money judgment;

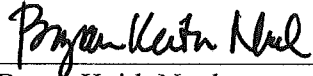
The parties stipulate and agree that the aforementioned assets constitute property derived from or traceable to proceeds of defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. §§ 981 and 982, 21 U.S.C. § 853 and/or 28 U.S.C. § 2461(c). The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that

claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.

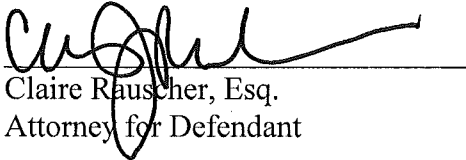
EDWARD R. RYAN
UNITED STATES ATTORNEY



Benjamin Bain-Creed
Special Assistant United States Attorney

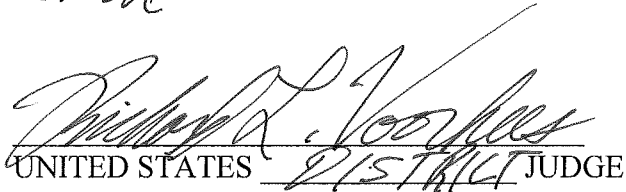


Bryan Keith Noel
Defendant



Claire Rauscher, Esq.
Attorney for Defendant

Signed this the 4th day of March, 2010.



UNITED STATES DISTRICT JUDGE